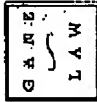


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P.O. Box 2200, Hillsboro, Oregon 97123
 TEL 503.844.9009 FAX 503.296.2172 EMAIL mail@ganzlaw.com
 A Professional Corporation

Date October 28, 2005
To Attn: PETITIONS
 (571)273-8300
From Bradley M. Ganz, Reg. No. 34,170, Ganz Law P.C.
Re Petition to Withdraw Holding of Abandonment - no fee
 required for the following application:
 • Application serial number: 10/692,383
 • Attorney docket number: ACMI-2,006-US
 • Filing date: October 22, 2003
 • First named inventor: Khalid Raja
 • Title: FLUID DELIVERY SYSTEM FOR USE WITH A
 SURGICAL PUMPING UNIT
Phone (503)844-9009

Fax (503)296-2172

Pages 18 + cover sheet

This fax transmits the following documents:

- Correspondence Transmittal 1 page
- Petition to Withdraw Holding of Abandonment 2 pages
- Copy of November 12, 2004 Applicant filing 13 pages
- Copy of Decision dated December 29, 2004 2 pages

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BMG:INTV

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OCT/28/2005/FRI 04:51 PM CANZ LAW

FAX No. 5032962172

P. 002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Khalid Raja, et al.
Serial No.: 10692,363
Filed: October 22, 2003
Attorney Docket No.: ACM1-2,006.US
For: FLUID DELIVERY SYSTEM FOR USE WITH A
SURGICAL PUMPING UNIT
MAIL STOP ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date: October 28, 2005
Examiner: Paul Shanowski
Art Unit 3763
Conf. No.:
CERTIFICATE OF TRANSMISSION MAILING
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FACSIMILE TRANSMITTED TO THE USPTO AT (571) 273-6300 AND (703) 746-4000 OR DEPOSITED WITH THE UNITED STATES POSTAL SERVICE WITH SUFFICIENT POSTAGE FOR FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 ON THE DATE INDICATED BELOW.
Lena Valdivia
Date of Deposit: Oct 28 2005

PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.181

Sir:

Applicant hereby submits the following in response to the Notice of Abandonment dated November 2, 2004 regarding the above-identified application. The Notice of Abandonment indicates that the Applicant failed to timely reply to the Decision on Petition mailed on August 9, 2004. The Applicant contends that this was not the case and that the application is not in fact abandoned.

Applicant submits the following:

1. Copy of Applicant's submission of November 12, 2004 Requesting Withdrawal of Holding of Abandonment (with all enclosures).
2. Decision from Petitions Office in Response to Applicant's November 12, 2004 Submission Requesting Withdrawal of Holding of Abandonment

Since the Applicant has timely replied to all notices from the Office of Petitions and Office of Initial Patent Examination, the Applicant hereby petitions to withdraw the holding of abandonment on this matter.

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Applicant understands that there is no fee required for this petition. If, for any reason, a fee is due, the Commissioner is hereby authorized to charge any fees, or underpayments, or to credit any overpayments, to the undersigned attorney's Deposit Account No. 50-1001.

Respectfully submitted,



Date: 28 Oct 2005

Bradley M. Ganz
Registration No. 34,170
P. O. Box 2200
Hillsboro, Oregon 97123
Telephone: (503) 844-9009
Facsimile: (503) 296-2172
email: mall@ganzlaw.com

OCT 28 2005

Approved for use through 07/31/2007. OMB 0551-0001
U.S. Patent and Trademark Office, U.S. Department of Commerce
PTO/SB21 (05-04)

TRANSMITTAL FORM

Use for use of correspondence after filing of application.

Total Number of Pages in This Submission: 15

Application Number: 107692256

Filing Date: October 22, 2005

First Named Inventor: Khalid Raji

Art Unit: 3903

Examiner Name: Paul Shumpei

Attorney/Doctel Number: ACPA-2005045

ENCLOSURES (Check all that apply)

After Allowance Communication to TC

Appeal Communication to Board of Appeals and Interferences

Appeal Communication to TC (Appeal Notice, Ref. Reply Entry)

Proprietary Information

Statute Letter

Other Enclosures (Please identify below):

• Copy of November 12, 2004 Applicant filing

• Copy of Decision dated December 28, 2004

Discharge

Unrelated-related Papers

Petition to withdraw amendments

Petition to Convert to a Provisional Application

Power of Attorney, Revocation

Change of Correspondence Address

Terminal Disclaimer

Request for Rebrand

CD, Number of CD(s)

Landscaping Table on CD

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

First Name: Ganz Law PC

Signature: [Signature]

Printed name: Bradley M. Ganz

Date: October 28, 2005

Reg. No. 34,170

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that the correspondence is being furnished to the USPTO or deposited with the United States Postal Service with sufficient postage as the applicant in an envelope addressed to: Commissioner for Patents, P.O. Box 1480, Alexandria, VA 22313-1480 on the date shown below:

Signature: [Signature]

Typed or printed name: Luis Vilabova

Date: October 28, 2005

The collection of information is required by 37 CFR 1.5. The information is required to obtain an initial benefit by the USPTO to process an application. Confidentiality is provided by 35 U.S.C. 122 and 37 CFR 1.11 and 1.34. This collection is limited to 2 hours to complete, including preparing, reviewing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1480, Alexandria, VA 22313-1480. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. MAIL TO: Commissioner for Patents, P.O. Box 1480, Alexandria, VA 22313-1480.

If you need assistance in completing the form, call 1-800-970-9899 and extend option 2.

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4860 NE Bellocup Court, Suite 221, P.O. Box 2200, Hillsboro, Oregon 97123
 TEL: 503.844.3009 FAX: 503.286.2172 EMAIL: mail@ganzlaw.com
 A Professional Corporation

Date November 12, 2004
 To Elisha Evans
 Customer Service Center
 Initial Patent Examination Division
 U.S. Patent and Trademark Office

From James L. Wolfe

Re Serial No. 10/892,363; Our file: ACMI-2.006.US

Tel (703) 308-1202 or 1203

Fax (703) 308-7751

Pages 11 + cover sheet

Please see the attached documents:

1. Letter dated November 12, 2004
2. Your Notice of Abandonment dated 11/02/04 (1 page)
3. Renewed Petition filed October 7, 2004 via fax (8 pages)
4. Automatically generated return receipt confirmation of the facsimile transmission of the Renewed Petition filed October 7, 2004

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P.01/01

TRANSACTION REPORT
NOV/12/2004/FRI 16:05

TX (TX)		DATE	SENT	RECEIVED	COM. TIME	ORIG	TYPE/NOTE	FILE
01	NOV/12	16:01	1703308753		0:03:27	12	DX	ECM 4380

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November 12, 2004

Via Facsimile No. (703) 308-7751

Ms. Ellaha Byars
Customer Service Center
Initial Patent Examination Division
United States Patent and Trademark Office
PO Box 1560
Alexandria, VA 22313-1450

Re: U.S. Utility Patent Application No. 10/692,363
First Named Applicant: Khalid Rajja
Title of Invention: FLUID DELIVERY SYSTEM FOR USE WITH A SURGICAL PUMPING
UNIT
Our File: ACMD-2,006,US

Dear Ms. Byars:

This letter is in response to the Notice of Abandonment we received regarding the above-referenced patent application, dated November 2, 2004, which has been issued for failure to timely file a reply to the Decision on Petition mailed on August 9, 2004.

The attached documentation will show that we did timely reply to the Decision on Petition by filing our Renewed Petition Under 37 CFR 1.471(a) on October 7, 2004, two days prior to the deadline for filing such reply.

The attached documentation includes a copy of the Renewed Petition filed on October 7, 2004, a fax transaction report printed automatically by our fax machine showing that the transmission was completed, and an Auto-Reply Facsimile Transmission from the USPTO which is an automatically generated return receipt confirming our facsimile transmission was received by the Office.

We further believe this proof of filing prior to the deadline will obviate the need to file a petition requesting that the application be revived.

Please let us know as soon as possible your decision regarding dropping the abandonment and maintaining the application.

Best regards,

James L. Wolfe

James L. Wolfe

JLW:mke

Attachments

A Professional Corporation

4819 NE Delaware Ct. Suite 221, PO Box 22017, Mililani, Oregon 97123 t 503.644.9009 f 503.296.2172 net@ganzlaw.com

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05PTD 10/7/2004 2:27 PM PAGE
AUTO-TEPLY FAX to 50928P.172 COMPANY:

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Auto-Reply Facsimile Transmission **COPY**



TO: Fax Sender at 5032962172

Fax Information:
Data Received:
Total Pages:

10/7/2004 2:24:25 PM [Eastern Daylight Time]
7 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by this Office. Please check to make sure that the number of pages listed in Total Pages above matches what was intended to be sent. Applicants are advised to retain the undelivered proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.18(a) and (b), 37 CFR 1.81(b). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMESP) section 306 of seq.

[illegible]

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239 NW 13th Avenue, Suite 309, Portland, Oregon 97209
 TEL 503.224.2719 FAX 503.258.2172 EMAIL mail@ganzlaw.com
 A Professional Corporation



Date October 7, 2004
 To Attn: Paul Shanowski
 From James L Wolfe, Reg. No. 33,823, Ganz Law P.C.
 Re Renewed Petition Under 37 CFR 1.47(e) for the following application:
 • Application serial number: 10/692,363
 • Attorney docket number: ACMF-2,006.US
 • Filing date: October 22, 2003
 • First named inventor: Khalid Raja
 • Title: FLUID DELIVERY SYSTEM FOR USE WITH A SURGICAL PUMPING UNIT

Tel 571-272-3225

Fax 703-872-8308

Pages 8 + cover sheet

This fax transmits the following documents:

- Cover Letter 1 page
- Renewed Petition Under 37 CFR 1.47(e) 2 pages
- Declarations of Frank D'Amelio and Kevin Wood 3 pages

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P.01/01

TRANSACTION REPORT
OCT/07/2004/TUE 11:33

FAX (TX)		RECEIVED		FILED	
#	DATE	STAMP	F.	CDN. TIME	PAGE
01	OCT/07/11:30	17030729306		0102112	7
				OK	RCN 4106

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October 7, 2004

Via Facsimile

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Please Deliver to Frank Skanowski, c/o Office of Patents

Re: Renewed Petition Under 37 CFR 1.47(c) for Utility Application
Serial No. 10/692,563 in the name of Khalid Raja, et al. for FLUID DELIVERY SYSTEM
FOR USE WITH A SURGICAL PUMPING UNIT;
Our File: ACM-2,006 US

Dear Sir:

Enclosed for filing on the above-referenced application is the following:

- Renewed Petition; and
- Executed Declarations of Frank D'Amico and Kevin Wood.

Please confirm receipt of this email to number below.

If you have any questions, please let us know.

Best regards,

James L. Wolfe

James L. Wolfe

JLW:mda

Enclosures

A Professional Corporation

P.O. Box 10106, Portland, Oregon 97286 t 503.224.2713 f 503.296.2172 mda@ganzlaw.com

COPY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Date: October 7, 2004

Khalid Raja, et al.

Examiner: Paul Sharoski

Serial No.: 10/692,363

Art Unit: 3763

Filed: October 22, 2003

Attorney Docket No.: ACMI-2,006.US

CERTIFICATE OF TRANSMISSION MAILING

For: FLUID DELIVERY SYSTEM FOR USE WITH A
SURGICAL PUMPING UNIT

I HEREBY CERTIFY THAT THIS CORRESPONDENCE
IS BEING FACSIMILE TRANSMITTED TO THE USPTO
AT (703) 872-9998 OR DEPOSITED WITH THE
UNITED STATES POSTAL SERVICE WITH
SUFFICIENT POSTAGE FOR FIRST CLASS MAIL IN
AN ENVELOPE ADDRESSED TO: COMMISSIONER
FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA
22303-1450 ON THE DATE INDICATED BELOW.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

M. D. Alexander
M. D. Alexander
Date of Deposit: October 7, 2004

RENEWED PETITION UNDER 37 CFR 1.47(a)

Sir:

In response to the Decision Refusing Status Under 37 CFR 1.47(a) Petitioners

submit this renewed petition along with the following:

1. Re-executed Declaration for inventor, Frank D'Amelio;
2. Executed Declaration for inventor, Kevin Wood.

Petitioners request dismissal of the Petition under 37 C.F.R. §1.47(a), filed June 8, 2004, due to joinder. Inventor, Kevin Wood, has submitted a signed Declaration enclosed herewith. Additionally, a corrected Declaration of Inventor Frank D'Amelio is submitted that complies with 28 U.S.C. 1746, by including a date affixed to the signature.

Petitioners respectfully submit that Declarations for all inventors have now been correctly submitted and all requirements under the Notice of Missing Parts dated June 4, 2004 and the Decision Refusing Status Under 37 CFR 1.47(a) dated August 9, 2004, have been complied herewith.

Page 1 - RENEWED PETITION UNDER 37 CFR 1.47(a)

Serial No. 10/692,363

COPY

CONCLUSION

There are no additional fees due with this response. However, if any additional fee in connection with this application is due, the Commissioner is hereby authorized to charge all such fees which may be required, or credit any overpayments, to Deposit Account No. 50-1001.

Respectfully submitted,

Date October 7, 2004

James L. Wolfe
James L. Wolfe
Registration No. 33,623
P. O. Box 10105
Portland, Oregon 97296
Telephone: (503) 224-2713
Facsimile: (503) 285-2172
email: mail@ganzlaw.com

Page 2 - RENEWED PETITION UNDER 37 CFR 1.47(a)
Serial No. 70692,363

COPY

PROSECUTION OF PATENT APPLICATIONS
U.S. Patent and Trademark Office, U.S. Department of Commerce
Patenting Division, Patent Office Building, Room 2000, Washington, DC 20514

DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63)

☐ Declaration Submitted with this filing ☒ Declaration Submitted after initial filing (37 CFR 1.16 (e))

☐ Declaration Submitted with this filing ☐ Declaration Submitted after initial filing (37 CFR 1.16 (e))

Applicant Information

Inventor: Ronald Reja
Application Number: 10682283
Filing Date: October 21, 2003
Examiner Name: Unknown

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below to their names.

I believe the inventor(s) named below to be the original and actual inventor(s) of the subject matter which is claimed and for which a patent is sought on this invention.

FLUID DELIVERY SYSTEM FOR USE WITH A SURGICAL PUMPING UNIT.

(Title of the Invention)

the specified list of which

☐ is elected herein

OR

☒ was filed on (MM/DD/YYYY)

Application Number

10682283

and was amended on (MM/DD/YYYY)

(10/22/2003) (if applicable).

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the filing date of this application.

I hereby claim foreign priority benefits under 35 USC 119(a)-(d) or (f), or 35 USC 120(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or design of any PCT international application designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Serialized Copy Attached
PCT/US03/15728	PCT	08/19/2002	<input type="checkbox"/>	<input checked="" type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB-028 attached hereto.

This declaration of inventorship is required by 37 CFR 1.56. The declaration is required to be submitted with the application for patent, or, if the application is a continuation-in-part application, with the first continuation-in-part application. The declaration is required to be submitted with the application for patent, or, if the application is a continuation-in-part application, with the first continuation-in-part application. The declaration is required to be submitted with the application for patent, or, if the application is a continuation-in-part application, with the first continuation-in-part application. The declaration is required to be submitted with the application for patent, or, if the application is a continuation-in-part application, with the first continuation-in-part application.

37 CFR 1.56(b)(1) requires that the declaration be submitted with the application for patent, or, if the application is a continuation-in-part application, with the first continuation-in-part application.

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U.S. Patent and Trademark Office
Under the Information Technology Act of 1996, no person shall be required to accept or receive a document or information in a form that is not in a format that is accessible to persons with disabilities.

DECLARATION — Utility or Design Patent Application

Direct all correspondence to: <input checked="" type="checkbox"/> Customer Number: 022874		OR <input type="checkbox"/> Correspondence address below	
Name			
Address			
City	State	ZIP	
Country	Telephone	Fax	
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.			
NAME OF SOLE OR FIRST INVENTOR:		<input type="checkbox"/> A petition has been filed for this unnamed inventor	
Given Name		Family Name	
(first and middle if any) Khadi		AL-Sayid	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Mailing Address			
City	State	ZIP	Country
NAME OF SECOND INVENTOR:			
Given Name		<input type="checkbox"/> A petition has been filed for this unnamed inventor	
(first and middle if any) Frank		Family Name	
Inventor's Signature		Date	
Residence: City	State	Country	Citizenship
Los Olivos	CA	USA	USA
Mailing Address			
6445 Calle Real			
City	State	ZIP	Country
Santa Barbara	CA	93117	USA
<input type="checkbox"/> Additional inventors or a legal representative not being named on the _____ Supplemental Sheet(s) PROSEBOOK or 91R attached hereto.			

Page 2 of 2



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COMMISSIONER FOR PATENTS
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GANZ LAW, P.C.
P O BOX 2200
HILLSBORO OR 97123

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DEC 3 9 2004

OFFICE OF PETITIONS

In re Application of
Khalid Raja et al
Application No. 10/692,363
Filed: October 22, 2003
Attorney Doctel No. ACM-2.006 US
Title: FLUID DELIVERY SYSTEM FOR
USE WITH A SURGICAL PUMPING UNIT

DECISION NOTING JOINDER AND
DISMISSING SECOND RENUEWED
PETITION UNDER 37 C.F.R. §1.47(A)
AS MOOT

This is in response to the renewed petition under 37 CFR §1.47(b)¹, filed November 12, 2004.

The above-identified application was filed on October 22, 2003, identifying Khalid Raja, Pratik D'Amelio, Dennis Caudle, Roger Raetzman, Kevin Wood, and Marvin Pavert as joint inventors. The application was filed with neither an oath nor a declaration. On January 22, 2004, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (first notice), requiring an executed oath or declaration in compliance with 37 C.F.R. §1.63 and a surcharge for its late filing. This Notice sets a two-month period for reply.

On May 21, 2004, an improperly executed declaration was submitted, and on June 4, 2004, a "Notice of Incomplete Reply - Nonprovisional" (second notice) was mailed, indicating that the

1 A maintainable petition under 37 CFR §1.47(b) requires

- (1) The petition fee;
- (2) a surcharge if the petition was not filed at the time of filing of the application;
- (3) a statement of the last known address of each of the non-filing inventor;
- (4) proof that diligent efforts have been made to locate the non-filing inventor;
- (5) proof that the Rule 47(b) applicant has sufficient proprietary interest in the subject matter to justify the filing of the application;
- (6) proof of irreparable damage; and;
- (7) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116 and 37 C.F.R. §1.63.

Application No. 10/692,316
Decision on second renewed petition

Page 2
COPY

submission was not acceptable. The second notice did not extend the period for response set by the previous mailing. In reply to the second notice, applicant filed the original petition, the petition fee, and the surcharge associated with the late filing of an oath or declaration. To make timely this reply, a two-month extension of time was requested. Petitioner submitted a declaration executed by each of the joint inventors save Mr. Wood, a statement of facts, the last known address of the non-signing inventor, and copies of several letters. This petition was dismissed via the mailing of a decision on August 9, 2004, for failure to establish that a complete copy of the application was sent to the non-signing inventor, and for failure to submit an acceptable declaration.

With this renewed petition, an acceptable declaration has been submitted which has been executed by the fully non-signing sole inventor.

This declaration has been reviewed and found in compliance with 37 C.F.R. §1.63.


In view of the joining of the joint inventor, further consideration under 37 CFR §1.47(a) is not necessary and the petition is considered moot. This application does not have any Rule 1.47(a) status and no such status should appear on the file wrapper. This application need not be returned to this Office for further consideration under 37 CFR §1.47(a).

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence unless a Change of Correspondence Address Form (PTO/SB/122) is submitted for the above-identified application. A blank Change of Correspondence Address Form (PTO/SB/122) may be found at <http://www.uspto.gov/web/forms/sb0122.pdf>.

The application file is being returned to the Office of Initial Patent Examination for completion of pre-examination processing.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (703) 305-0011.

By: James Wolfe
PO Box 10105
Portland, Oregon 97296


Paul Stamatis
Senior Attorney
Office of Fieldwork
United States Patent and Trademark Office

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